IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8559 of 1996

For Approval and Signature:
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KIRTIDA N MEHTA - Petitioner(s)
Versus
SADHAV TRUST(THROUGH ARUNBHAI AMBALAL, SECRETARY, & 2 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
SERVED BY AFFIX.(N) for Respondent(s) : 2,
MS MAITHILI MEHTA, ASST. GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/02/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order and/or direction

quashing and setting aside the impugned orders dated 23.11.1995 (Annexure -A) and dated 18.2.1996 (Annexure – C).

2. It appears that by the impugned orders, the pay-scale meant for trained teacher came to be withdrawn and the petitioner was paid the salary of untrained teacher on the ground that the petitioner was not having the requisite qualifications of the trained teacher.

3. It appears that it was the contention on behalf of the petitioner that the petitioner is having the requisite qualifications of T.C.W.C.G., B.A. & B.Ed., which is even higher than the qualifications of trained teacher and therefore, he should have been paid the salary in the pay-scale meant for trained teacher.

4. It appears that the controversy, which has been raised in the present Special Civil Application is now *res-integra* and as held by the Full Bench of this Court in the recent judgment dated 8.1.2007 rendered in Special Civil Application Nos. 8075 of 2001 with 4332 of 2006 that for the purpose of even appointment as a primary teacher, the qualification, which is required is P.T.C. and even higher qualification like B.A., B.Ed. will not be considered to be a requisite qualifications for the purpose of appointment as a primary teacher.

5. In view of the judgment of the Full Bench of this Court, it cannot be said that there is any illegality committed by the respondents in paying the salary to the petitioner in the pay scale of untrained teacher and not paying the salary to the petitioner of trained teacher.

6. Under the circumstances, there is no substance in the present Special Civil Application and the same is required to be dismissed and is accordingly dismissed. Rule discharged. No costs.

[M.R.Shah, J.]

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